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Notice of Allowability	Application No.	Applicant(s)	
	09/740,169	PERREGO, DAVID W.	
	Examiner	Art Unit	
	Quang D. Thanh	3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview on 10/18/07.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Markva on 10/18/07.

The application has been amended as follows:

Claims 16-19 have been cancelled.

Claims 1-15 are allowed in view of the BPAI decision on 9/11/07, and are listed as follow:

-- 1. A vertical traction assembly for using gravity to stretch a person's spine, said assembly comprising:

a) standing frame means and torso harness means coupled to depend downwardly from said frame means,

b) said harness means being effective to maintain a person in a vertical traction suspension position after the person dons said harness means, and

c) traction force focusing means attached to the frame means for applying a focused traction pressure directly to a selected location along the spine of the person who is in said vertical traction suspension position.

2. An assembly as defined in claim 1 wherein said standing frame means includes non-traction receiving surface means on which a person stands for donning the torso harness means before assuming said vertical traction suspension position and applying said focused traction pressure.

3. An assembly as defined in claim 2 wherein said focused traction pressure is derived from the weight of the person who is in said vertical traction suspension position.

4. An assembly as defined in claim 3 wherein said focused traction pressure is equal to about 40% of said person's weight.

5. An assembly as defined in claim 2 wherein said standing frame means further includes a partial traction receiving surface on which the person to be maintained in said vertical traction suspension position may stand to effect adjustment of the harness means with respect to the frame means and the person's torso before said person is subjected to a full traction treatment, said harness means being effective to produce a partial traction treatment pressure equal to a desired percentage of a full traction treatment pressure when the person steps from the non-traction receiving surface to said partial traction receiving surface after donning said harness means.

6. An assembly as defined in claim 5 wherein said desired percentage is about 20% of the full traction treatment pressure which is equal to about 40% of the weight of the person who is in the traction position.

7. An assembly as defined in claim 1 wherein said frame means is free standing and said traction force focusing means being effective to derive said focused traction

pressure from a portion of the weight of the person in said vertical traction suspension position with said person being vertically suspended with the harness means to produce said focused traction pressure.

8. An assembly as defined in claim 1 wherein said selected location along the spine of the person includes an inflamed area on the person's back.

9. A vertical traction assembly for using gravity to stretch a person's spine, said assembly comprising:

a) standing frame means and torso harness means coupled to flexibly depend downwardly from said frame means, and

b) said frame means including a first non-traction receiving surface means for supporting a person while standing to don the torso harness means and a second partial traction receiving surface means for supporting a person while standing to adjust said harness means with respect to the person's torso and assembly before the person voluntarily steps to a vertical, gravity traction suspension position,

c) said harness means being effective to suspend the person from the frame means for a partial traction pressure when the person stands on said second partial traction receiving surface means after donning said harness means,

d) said partial traction pressure being less than a full traction pressure that is applied to the person while in said vertical, gravity traction suspension position.

10. A traction assembly for using gravity to stretch a person's spine, said assembly comprising:

a) freestanding frame means and harness means effective to releasably gird the torso of a person,

b) said harness means being coupled to flexibly depend downwardly from said frame means to suspend the person from the frame means in a vertical traction suspension position, and

c) focused traction force means adjustably connected to the frame means for applying traction pressure directly to a selected location along the spine of the person in said vertical traction suspension position.

11. An assembly as defined in claim 10 wherein said frame means includes backboard means for supporting an upper body portion of the person who is girded with said harness means and suspended in said vertical traction suspension position.

12. An assembly as defined in claim 11 wherein said backboard means includes said traction force focusing means having releasable tightening means for selectively securing the traction focusing force means to a plurality of vertical locations along said backboard means.

13. An assembly as defined in claim 10 wherein said frame means includes a front rearwardly tilted frame portion including backboard means, said traction force focusing means includes pad element means adjustably mounted to the backboard means and releasable fastening means for selectively positioning the pad element means with respect to a person's spine before said person is in said vertical traction suspension position.

14. An assembly as defined in claim 10 wherein said traction force focusing means is effective to direct a traction force equal to a fraction of the person's weight at said selected location along the spine of said person.

15. An assembly as defined in claim 14 wherein said traction force is equal to about 40% of the person's weight. –

Drawings

2. The drawings filed on 10/16/2003 have been approved.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

INCORRECT STATEMENT: "I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a)"

CORRECT STATEMENT should read "I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations Section 1.56."

4. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth in this communication. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of

Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang D. Thanh/

Quang D. Thanh,
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